CASE

AND

CORRESPONDENCE

RESPECTING THE

PRICES OF BOOKS

FOR

SCHOOL LIBRARIES AND PRIZES,

1874.

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1874

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LETTER FROM THE CHIEF SUPERINTENDENT OF EDUCATION TO THE CHIEF JUSTICE OF ONTARIO, SUBMITTING THE FOLLOWING CASE FOR HIS OPINION.

EDUCATION OFFICE, TORONTO,
24th July, 1874.

MY LORD,—The School Law authorizes the Chief Superintendent of Education, when he deems it expedient, "to submit "a case on any question arising under the High or Public "School Acts to any Judge of either of the Superior Courts for "his opinion or decision, or with the consent of such Judge, "to either of the Superior Courts, for their opinion or decision." In accordance with this provision of the School Law, I am induced to solicit your opinion as to what should be regarded as the cost prices of books provided by the Educational Department for Library Books and Prizes for the Public and High Schools, and who should determine those prices—I am induced to make this application under the following circumstances :—

From the beginning I have not only procured such books, but determined their prices, while the Council of Public Instruction has decided to recommend or not recommend their use ; and in applying to Government and the Legislature for authority and pecuniary grants for that purpose, I have explained what I regarded as the cost of such books and the terms—cost prices—at which I proposed to make them accessible to Municipal and School Authorities only, to enable them to perform the duties imposed upon them by law in a manner the most efficient and beneficial to the public.

Of late years, it has been contended on the part of certain booksellers, that they could supply the Municipal and School Corporations with such books upon as favourable terms as the Educational Department, and that it was unjust to prevent them from doing so. I have said otherwise, but that I had no objection to afford them an opportunity of trying to do so, though I did not think it would amount to anything. Accordingly, in the School Acts passed last session, provision is made by which Municipal and School Corporations may procure of booksellers such books as are sanctioned by the Council of Public Instruction for Libraries and Prizes in the Public and High Schools, and that I am to pay ~~one hundred~~ fifty per cent. of the

prices of such books, provided that I "shall not pay more than "one-half of the cost of the books so purchased eleswhere, ac- "cording to the prices specified for them in the printed cata- "logues or in the authorized lists published in the *Journal of "Education.*"

It has recently been objected by certain parties that I have not, according to their construction of the law, set down the full cost of the books in my statements and estimates, and that I have placed the prices of the books below the cost; and these parties have, furthermore, insisted that the prices of any books submitted by a bookseller, and sanctioned, should be inserted in the official lists at his prices, and not those at which the same books can be procured at the Education Department. On the other hand, my view is, that such a procedure would make the Council of Public Instruction a mere advertising agency for certain booksellers to sell their books at their own prices, to be half paid for out of the public revenue, whereas the Legislature never intended that the prices of books for libraries and prizes in the public schools should be increased beyond cost prices to the Municipal and School Corporations, and that those cost prices must be determined by the Chief Superintendent, or by the Council of Public Instruction, who have nothing to do with the prices at which booksellers may dispose of their books, but who must determine the prices in the authorized printed catalogues at which the books can be procured at the Depository of the Education Department.

As the new law does not clearly define as to whether the prices of the books on the official catalogues are to be determined as heretofore, or by the Council of Public Instruction, I have thought proper to refer it to the Council to fix the prices, as well as authorize the books, and suggesting the appointment of a committee to report upon the principle and scale of prices at which the books authorized may be procured at the Department. That Committee reported as follows :—

"The Chairman presented the report of the Committee "appointed at the last meeting in reference to the principles on "which the prices of books are fixed."

"The Report was to the effect that, the Committee felt that "there were certain preliminary difficulties in the consideration "of the question submitted to them and agreed that it would "be unwise to proceed further in the enquiry until the Chief "Superintendent had obtained an authoritative decision as to the "meaning of the terms "cost," "prices," and "grant," which "occur in the sections of the Act which refer to supply to the

"schools of the books sanctioned by the Council of Public In-"struction."

Under these circumstances, and in accordance with this recommendation of the Committee, I submit for your opinion the questions involved.

In order that you may examine the whole subject from the beginning, as far as you may think proper, I have requested the Deputy Superintendent (Dr. Hodgins,) to prepare a memorandum, giving extracts from the Laws, and Reports, &c., in which the words "cost," "prices," and "terms" have been introduced and repeated in successive acts, and other official papers. This memorandum will show the immense pains which I have taken to advance, step by step, and avail myself of the best experience and Counsel of Europe and America, to mature this important branch of our educational system, and in what sense all the terms submitted have been employed and applied from the beginning. On the the 20th, 21st, 22nd and 23d pages of this memorandum will be found a succinct recapitulation of the question on which your opinion is solicited.

[23d. 24th.]

I have, &c.,
(Signed) E. Ryerson.

The Honourable
The Chief Justice of Ontario.

CASE.

Submitted by the Chief Superintendent of Education to the Honourable Chief Justice Richards, of Her Majesty's Court of Queen's Bench, under the authority of the 3rd clause of the 32nd section of the Consolidated School Act, 37th Vict., chap. 27, as follows:—

32. The Chief Superintendent of Education shall have authority, should he deem it expedient:

3. To submit a case on any question arising under the High or Public School Acts, to any judge of either of the Superior Courts, for his opinion and decision, or with the consent of such judge, to either of the Superior Courts, for their opinion and decision:

In construing the words "*prices*" in sub-section 26, and clause *c* of sub-section 27, of section 27 of the above quoted Act, taken

in connection with the same words in sub-section 27, and No. 4 of clause *a* of sub-section 29, of section 31 of the same Act; and in construing the words "cost" in sub-section 29, and Nos. 3 and 4 of clause *a* of the same sub-section, two questions arise:—

1. Whether (a) the Council of Public Instruction, (b) the booksellers (or other parties) sending books for the approval of the Council, or (c) the Chief Superintendent, has the right to fix the *prices* at which the books shall be supplied to the schools.

2. Whether the words "prices" and "cost" used in the above quoted sections are convertible terms, and mean the same thing, or whether the meaning of these words: "prices and cost" is not affected by the phrase "upon the same terms," used in sub-section 9, of section 33 of the Act, which originally occurs in the School Act of 1855, but which was inserted in the Consolidated School Act of 1859, and also in this Consolidated and Amended Act of 1874.

The portions of the School Act of 1874, quoted above are, as follows:—

8. Powers and Duties of the Council.

27. It shall be the duty of such Council, and it is hereby empowered:—

D. *Text, Prize and Library Books—Superannuated Teachers—Annual Report.*

24. To examine, and at its discretion, recommend or disapprove of text-books for the use of schools, or books for school libraries and prizes;

25. To make regulations in regard to school libraries;

26. To examine, or cause to be examined from time to time, any books, the names of which have not heretofore appeared in the catalogues of the Educational Department, and which may be forwarded (with a statement of their *prices*) to the Department by booksellers or other parties, who may have the same for sale;

27. To determine whether such books ought or ought not to receive the sanction of the Council for libraries or prizes in the Public and High Schools, and Collegiate Institutes;

(*a*) The decision of the Council in respect thereof is, without delay, to be communicated to the said booksellers or other parties concerned;

(*b*) The books so forwarded are, on application, to be returned to the persons forwarding the same;

(*c*) The names and *prices* of the books when sanctioned shall be published in the next number of the *Journal of Education*, with the dates respectively at which the books were received at the Education Department and laid before the Council for examination.

2. Duties of the Chief Superintendent of Education.

31. It shall be the duty of the Chief Superintendent of Education:—

26. To submit to the Council of Public Instruction, all books or manuscripts which are placed in his hands, with the view of obtaining the recommendation or sanction of the Council for their introduction as text, library or prize books;

27. To cause to be printed from time to time a catalogue, showing the names and *prices* of all the books which are or may be sanctioned by the Council of Public Instruction for libraries and for prizes in the Collegiate Institutes, High and Public Schools ;

28. To cause to be printed each half year, a catalogue of any additional books which may be sanctioned by the Council for said purposes ;

29. To authorize the payment, out of any moneys appropriated by the Legislature for that purpose, of one-half of the cost of any prize or library books sanctioned by the Council of Public Instruction, for Public and High Schools and Collegiate Institutes, which may be purchased by a Municipal or School Corporation from any bookseller or other parties, instead of at the Depository of the Education Department;

(*a*) Such payment shall be made to the order of the Corporation purchasing any of the books specified in the catalogues or lists sanctioned by the Council, on the following conditions:—

1. The Chief Superintendent shall be duly certified of the facts;

2. He shall be furnished with the usual guarantee as to the proper disposition of the books, which may be purchased elsewhere than at the Depository;

3. He shall be furnished with certified vouchers of the *cost*, edition, and binding of the books so purchased elsewhere ;

4. He shall not pay more than one-half of the *cost* of the books so purchased elsewhere, according to the *prices* specified for them in the printed catalogues or in the authorized lists of such books published in the *Journal of Education*.

10. Certain Grants Authorized.

33. Out of any *grants* made from time to time in aid of Public and High Schools, the Lieutenant-Governor may authorize the expenditure annually of such sums as may from time to time be voted by the Legislative Assembly for the purposes following:—

2. *Through the Chief Superintendent of Education.*

6. For the purchase, from time to time, of books, publications, specimens, models, and objects, suitable for a Canadian library and museum, to be kept in the Normal School buildings at Toronto, and to consist of books, publications and objects relating to education and other departments of science and literature, and specimens,

models, and objects illustrating the physical resources and artificial productions of Canada, especially in reference to mineralogy, zoology, agriculture, and manufactures ;

7. For supplying a copy of the *Journal of Education* to every School Corporation, and every School Inspector ;

8. For the establishment and support of libraries in connection with the Schools ;

9. For providing the Schools with maps and apparatus and prizes *upon the same terms*, and in the same manner as books are provided for School libraries ;

10. For the payment of a salesman and assistant clerks of the public library, prize, map and school apparatus depositories, in connection with the Department of Public Instruction.

The whole of the sub-sections 26 and 27 of section 27, and sub-sections 27, 28 and 29 of section 31, of the Act 37 Vic., cap. 27, are *new*, and form part of the amendments made to the School law in 1874 ; but sub-sections 24 and 25 of section 27, sub-section 26 of sub-section 31, and the whole of section 33, formed part of the Consolidated Statutes, 22 Vic., cap. 64. The sub-sections quoted were originally passed in 1850, while section 33 was passed in 1855.

In construing the word "cost," in the Act of 1874, the phrase "upon the same terms" (which was first used by the Legislature in the School Law in 1855, and re enacted in a consolidated form—without alteration—in 1859 and 1874) would throw some light on the question, especially as the "terms" upon which schools were supplied with library books in 1855 are explained by the Chief Superintendent of Education at that time to mean "at cost,"—including charges—with the 100 per cent. bonus allowed by the Legislature.

In order to understand the intention of the Legislature all through its enactments on this subject, it will be necessary to give an historical *resumé* of the whole question, and to quote those portions of the successive statutes and official documents and explanations which bear directly upon the subject.

In 1848, Dr. Ryerson, the Chief Superintendent, submitted a draft of a Bill to the Government, in the 13th section of which he proposes to set apart £2,000 ($8,000) annually for commencing a system of school libraries, accompanying it with the following remarks :—

"The *Thirteenth Section* proposes a small provision for commencing the establishment of Common School Libraries. I propose to do so on the same principle and in the same manner with that which has been so extensively and so successfully adopted in the neighbouring States—except that the regulations for this purpose are

there made by the sole authority of the State Superintendent of Schools, whereas I propose that *here* such regulations shall be sanctioned by the Governor General in Council.

"On the importance of such a provision, I need not say a word. On this section becoming law, I shall soon be prepared to submit a draft of the requisite regulations for carrying it into effect, and also to suggest means by which a selection of suitable books may be made and procured from England and the School Libraries of the States of Massachusetts and New York, and submitted to the consideration of the Board of Education, and then the modes of procuring, *at the lowest prices*, for any part of Upper Canada, the books which the Board may sanction for Common School Libraries."

The provision here recommended was partially adopted in the School Act of 1849. With a view to prepare the way for establishing the contemplated libraries, the Chief Superintendent, in 1849, addressed the following letter to the Provincial Secretary :—

("Copy.) "Education Office,
"Toronto, 16th July, 1849.

"Sir,—I have the honour to submit to the favourable consideration of the Governor-General in Council the following remarks and recommendations, with a few to the introduction of School Libraries into Upper Canada, as contemplated by each of the Common School Acts which have been sanctioned by the Legislature. There can be but one opinion as to the great importance of introducing into each township of Upper Canada, as soon as possible, a Township Library, with branches for the several school sections, consisting of a suitable selection of entertaining and instructive books, in the various departments of biography, travels, history (ancient and modern), natural philosophy and history, practical arts, agriculture, literature, political economy, &c., &c., &c. It is not easy to conceive the vast and salutary influence that would be exerted upon the entire population, the young portion especially, in furnishing useful occupation for leisure hours, in improving the tastes and feelings, in elevating and enlarging the views, in prompting to varied and useful enterprize, that would flow from the introduction of such a fountain of knowledge and enjoyment in each township in Upper Canada.

"But in order even to commence so noble and beneficial an undertaking, two things are necessary ; the first is, to obtain, and for the Board of Education to examine and select the proper books ; the second is to render such books easily and *cheaply accessible to every part of the Province.* As the books are not and cannot be published in this country, they must, for some time at least, be obtained from abroad—from England and the United States, arrangements must be made for that purpose, as the ordinary agencies of book trade are insufficient.

"When in Dublin, in 1845, I arranged with the National Board "to obtain their books for schools in Upper Canada at cost prices. "much below the wholesale prices, to the British public; and by "means of that arrangement those excellent books are now sold in "Upper Canada, about twenty per cent. cheaper than they were "three years since; and we now say to each of our Canadian book- "sellers, that if he will agree not to sell those books at more than "two-pence currency for every penny sterling that he pays for them, "we will give him a certificate to the National Board in Dublin to "obtain them at the reduced prices. By this simple arrangement "private trade is encouraged, at excellent profits, rather than inter- "fered with; and the books are then sold at much lower prices "than heretofore. The selling prices of the books are published in "the printed forms and regulations for schools, and are uniform in "every part of the Province, and known to every Trustee and "Teacher. A Canadian house has reprinted an edition of most of "these books (fac-similes of the Dublin edition) at even lower "prices than the imported editions.

"Now, I propose the adoption of an extension of the same arrange- "ments to procure books for School Libraries. I propose to "make an arrangement with some of the book societies in London "(such as the Society for the Diffusion of Useful Knowledge, &c.,) "and the cheap library publishers in London and Edinburgh, for "procuring such of their works as may be required for School "Libraries in Canada at the lowest prices. I propose to make the "same arrangements with the National Board in Dublin, for pro- "curing portions of the series of books which they have lately "selected and adopted for School Libraries, that we have heretofore "made in order to procure their school books. And as but few of "the books composing the School Libraries in the neighbouring "States of New York and Massachusetts are of an exclusively local "and politically objectionable character, and as the greater part of "their School Library books are as suitable to the youth of Canada "as to those of the United States—many of the books being re-prints "of English works, and translations from the French and German "—I propose to make a similar arrangement with School Library "(and perhaps some other) publishers in New York and Boston, "that I have above proposed to make with English publishers.

"According to this arrangement, I propose to secure, *at the* "*cheapest rate possible* to the reading youth and people of Canada, "the best popular works which emanate from the British and "American press. There will thus be a *British* and an *American* "series, with the price affixed to each, and directions where and "how they may be procured, leaving to local councils or committees "the option of selecting from either series, or from both, at their "discretion.

"In the catalogue of these library books, I think a characteristic "notice of each book should be inserted (including two or three "sentences but of course, requiring considerable thought, judgment "and labour in the preparation.) A catalogue should be furnished "to each local council, and the books generally be also brought to

"the notice of the public, in the columns of the *Journal of Educa-*
"*tion*, and personally by the Chief Superintendent, during his visits
"to the various Districts, one of which I had intended to make
"during the latter part of the current year. Should the plan thus
"briefly explained be approved by the Governor-General in Coun-
"cil, I propose to devote the next three or four months to its
"accomplishment, by going to the United States and England, to
"make the arrangements suggested, and to select and procure
"specimen books for the school libraries, to lay before the Board of
"Education for Upper Canada, for their examination and judg-
"ment.

"With these remarks I submit this important subject to the
"favorable consideration of the Governor-General in Council; and
"should the task I have proposed be approved of, I will lose no
"time in prosecuting it. In the meantime, I would respectfully
"recommend that John George Hodgins, Esq., Senior Clerk in the
"Education Office, be authorized, by the Governor-General in
"Council, to act as Deputy Superintendent of Schools for Upper
"Canada during my absence, as I have entire confidence in his
"integrity, knowledge, and ability."

(Signed,) E. Ryerson.

The Honorable James Leslie,
Secretary of the Province, Montreal.

Any further steps for giving effect to the plan thus proposed, were deferred for more than a year.

In 1850, the Chief Superintendent again submitted a plan for the establishment of school libraries to the consideration of the Governor-General in Council, in a letter, of which the following is a copy.

"(Copy,) Education Office,

Toronto, 21st September, 1850.

"Sir,—I beg most respectfully to solicit the attention of His
"Excellency the Governor-General, in Council, to the letter which
"I had the honor to address you the 16th July, 1849, on the steps
"preparatory to the introduction of School Libraries in the several
"Counties, Cities, Towns and Villages of Upper Canada. That
"letter was printed as part of the correspondence in the School
"Law of Upper Canada, laid before the Legislature at its last ses-
"sion, and printed, pages 55, 56. I hereto annex a copy of it [See
"the letter last above quoted.]

"I am fully satisfied of the propriety and practical character of
"the recommendations contained in the annexed copy of that letter.
"During the last few weeks I have attended at Philadephia, a
"National Convention of three days' continuance, the object of
"which was the universal diffusion of thorough Christian Educa-

" tion throughout the several United States, embracing a considera-
" tion of the several systems of Public Instruction and Educational
" Institutions from Primary Schools up to the Universities, their
" defects and remedies for them. This Convention was attended by
" State Governors and State Superintendents of Schools, Presidents
" and Professors of Colleges, Educationists and distinguished
" Teachers, from various States. In my intercourse with many of
" these gentlemen, of large experience in matters of popular Educa-
" tion, I found, without exception, the most *unreserved approval of*
" *the plan* which I propose for the introduction of School Libraries
" into Upper Canada. I was informed by several of them, that the
" most serious drawback to the success of their system of School
" libraries with the older States is the heterogeneous collection of
" unsuitable books which have been largely introduced into them,
" by the pressing competition of the rival publishers and itinerant
" book vendors, in the absence of any judicious State Board to
" select and recommend Library Books. Repeated attempts have
" been made in the States of Massachusetts and New York, to
" remedy this evil, which has brought discredit upon their library
" system, and paralyzed it in many places ; but though the subject
" has been discussed in books, pamphlets, and addresses, and
" pressed in official reports, the evil continues, from opposition
" made by the rival parties who are *each interested in selling his own*
" *books, and at as high prices as possible.* I was assured without
" exception, by these experienced American Educationists, that had
" they at the commencement of their State system, adopted regula-
" tions and measures similar to those provided by law in Upper
" Canada, in regard to School *Text* and *Library Books*, the progress
" of their Schools and Libraries would have been much more rapid
" and satisfactory ; and some of them expressed the opinion that
" there was little hope of much improvement in their Common
" Schools, beyond the limits of Cities and Towns, until some such
" system as had been provided by law amongst us, should be adopted
" among them in regard to Text and Library Books, and the in-
" spection of Schools. Indeed, one gentleman, who has for some
" time been President of the Board of Education for the State of
" Michigan, and who devotes most of his time to delivering
" Educational lectures throughout the States, applied and obtained
" from me documents that would enable him to prepare a lecture
" on the system of Public Iustruction in Upper Canada, which he
" intends to make the subject of one of the short course of four or
" five lectures which he is accustomed to deliver in each of the
" Principal towns in the State. The Connecticut State Superintend-
" ent of Schools (who has been an Educational State Officer for
" many years, has visited Canada, and made himself familiar with
" our system and School statistics), stated on one occasion, that
" more progress has been made in Upper Canada, in the system of
" Common Schools, during the last five years, than in any state of
" the American Union, and that the new School law in Upper
" Canada, was an improvement upon that of any of their States.

" Such opinions from such quarters were not a little gratifying

"and encouraging to me; and I found by conversation with Book-
"sellers that the plan detailed in the annexed copy of letter, in re-
"gard to the mode of procuring and selecting Books for School
"Libraries will be found eminently economical and advantageous
"to our local Councils, and all engaged in the establishment of
"public School Libraries.

"I propose during the next three or four months to make the ne-
"cessary tour and arrangements for carrying that plan into effect,
"and therefore pray that His Excellency will be pleased to order a
"warrant for five hundred pounds (£500) to issue in my favor, to
"be expended and accounted for in the manner stated in the
"annexed copy of letter."

"(Signed,) E Ryerson.

"To the Honorable James Leslie,
Secretary of the Province, Toronto."

The following is a copy of the Provincial Secretary's reply to the foregoing letter: –

(Copy.)

"Secretary's Office,
Toronto, 27th September, 1850.

"Reverend Sir,—I am commanded by the Governor-General to
"inform you that His Excellency has had under his consideration
"in Council your letter of the 16th July, 1849, and the 21st instant,
"suggesting the propriety of your proceeding to Europe, for the
"purpose of making the necessary arrangements for the establish-
"ment of School Libraries in the various Townships in Upper
"Canada, and requesting the issue of an accountable warrant for
"the sum of £500, for that purpose, to be charged on the grant for
"establishing School Libraries in the various Townships of Upper
"Canada.

"His Excellency has been pleased to direct the issue of the warrant in your favor for the above amount, and has also granted you leave of absence to proceed to Europe, to make the arrangements contemplated in your letter. His Excellency has also been pleased to authorize John George Hodgins, Esquire, to act as your Deputy during your absence."

"(Signed,) J. Leslie,
Secretary.

"The Reverend E. Ryerson, D. D.
Chief Superintendent of Education for U. C."

In a Report to the Legislature 1858, embodying these letters, Dr. Ryerson remarks as follows :—

"Having proceeded to England, I was enabled by the aid of the Privy Council on Education, as narrated in a preceding part of this report, (pp. 29–34) to make advantageous arrangements with publishers in London, Edinburgh and Dublin, for the purchasing of

books for our Public School Libraries, and made considerable selections for examination from their catalogues. I afterwards made similar arrangements with publishers, and similar selections from their catalogues, in Boston, Yew York and Philadelphia. The examination of the books thus selected occupied a great part of my morning and evening hours during nearly two years.

"But before deciding on the kind of libraries, and the mode of establishing them, or submitting regulations for that purpose to the consideration of the Council of Public Instruction, I made a tour of Upper Canada, and, as previously announced in a printed circular, I submitted the whole question as to the mode of supplying and establishiug public libraries to a convention in each county, consisting of the Municipal Councillors, Clergy, Magistrates, Local Superintendents, Trustees, and as many other persons as chose to attend, and received an expression of strong, and in most cases unanimous approbation of the system which has been adopted, and is still pursued for establishing and extending public libraries in the various Municipalities of Upper Canada.

"Thus, so far from acting on the mere imaginings of my own mind, without authority, and at variance with the example of the mother country, I have had the express authority and aid of the Governor-General in Council, have largely advised with experienced and able educationists in the neighbouring States, have followed the example and been aided by the co-operation of the Government Board of Education in Ireland, and of Her Majesty's Privy Council Committee on Education in England, have consulted and received the cordial expression of approving co-operation from a county convention in each county of Upper Canada, in regard to that very system of public libraries which has been so grossly assailed by certain parties in Toronto."

In 1851, Dr. Ryerson, in an address which he presented to Lord Elgin, on the occasion of laying the corner stone of the Normal School, thus refers to the subject of school library books, and their prices:—

"Arrangements have recently been made, and will be carried into effect in the course of a few months, by which maps, school-books, and every description of school apparatus will be provided for and rendered accessible upon the same terms to all the public schools of Upper Canada;—also, books for libraries, including a large selection of the books best adapted for popular reading, that issue from both the British and American press. By the arrangements which have been entered into, and which have been effected in England by the aid of the Imperial Government, through the cordial and active exertions of Earl Grey, these facilities for school improvement and general knowledge, will be rendered accessible to the municipal and school authorities throughout Upper Canada *at an average expense of more than twenty-five per cent. less than they could* have otherwise been procured, if procured at all;—facilities which obstacles hitherto insuperable, have prevented any Educa-

tional Department in the neighbouring States from providing for the advancement of popular education and the diffusion of useful knowledge."

In November, 1852, the Legislature having asked for a Return showing "what books, &c., for schools or teachers had been purchased or sold by the Superintendent of Education, West," Dr. Ryerson reported as follows :—

"Next to providing plans for school-houses, school text-books, maps and other requisites, I deemed the establishment of public school libraries of the greatest importance, and learned how many errors had been committed, and how many comparative failures had been experienced, in attempts to establish public school libraries in the neighbouring States, I thought to avoid such mistakes and disappointments, as far as possible, by selecting a variety of the most suitable and popular reading books in each department of human knowledge, and by making arrangements for procuring them and supplying them to each municipality and school corporation, upon the *lowest terms possible*— thus partially aiding parties establishing libraries in the selection of them, and giving them the assurance that every book included in the list from which they might make their selection, had been carefully examined and recommended by disinterested persons (*i. e.*, the Council of Public Instruction) and rendered accessible to them *at the lowest cost prices, from a department, the building and all the contingent expenses of which were otherwise provided for.* With a view to these objects, I submitted to the Governor-General the recommendations contained in letters 1 and 2 of the accompanying appendix; and my recommendations having been approved by His Excellency, I proceeded to make the preliminary arrangements to give them effect, in the manner detailed in letters 3, 4 and 5 of the accompanying appendix. Lord Grey and the Marquis of Lansdowne (who was then Chairman of the Privy Council Committee on Education) took a lively interest in the arrangements which I proposed; and the letters referred to will show the pains they took to promote the objects I had in view. It will be seen by papers 6, 7 and 8, in the appendix to these returns, that Her Majesty's Government had made arrangements to procure, for the schools aided by Parliamentary grants in England, school maps and books at an average of *forty-three* per cent. below the ordinary selling prices; and through the interposition of Her Majesty's Government, I was enabled to render that arrangement available to schools in Canada.

"At the same time, it occurred to me that I might make a

still further and more advantageous arrangement. In the arrangement with the Privy Council Committee, I was restricted to the transmission of four orders per year—to the publications contained in their list—and also to their agents (Messrs. Longman & Co.) who were allowed *five per cent.* for executing their orders. After conferring with the Secretary of the Privy Council Committee on Education, who entered fully into my views, I called personally upon the principal publishers concerned, to ascertain whether they would execute my orders directly from Canada for their publications, upon the terms to which they had consented through the medium of the Privy Council Committee on Education. To my proposition, all the publishers to whom I applied, both in England and Scotland, unanimously and readily assented—having no wish that a London house should receive five per cent. for packing and forwarding their publications, and being desirous of extending their business connections in Canada. By this arrangement I saved the five per cent. otherwise payable to the Longmans on all publications procured through them. I was enabled to extend the arrangement to other publications than the text books and maps contained in the Privy Council Committee's list, and to make it available for maps and school apparatus of every description, and to books for libraries, for which I selected specimens to the number of nearly 2,000 volumes. But to accomplish all these objects, I found, required as many months as I had calculated weeks.

"6th. After my return from England, I made arrangements with publishers in New York, Philadelphia and Boston, similar to those which I had made with British publishers, for procuring such school maps and other school requisites as I might require, and also books for libraries, selecting about 2,000 volumes as specimens.

"7th. As all the publications included in these arrangements were to be paid for on receipt of the invoices from England, and on the receipt of the books themselves from the United States, and were to be disposed of to no other parties than municipalities and school authorities, and for school purposes alone, the publishers agreed, of course, to supply them below the ordinary wholesale prices.

* * * * * *

"9th. The result of these arrangements is, that every description of the best school maps, apparatus and text books required for the schools, and the books for libraries, are and will be supplied to the remotest municipalities in Upper Canada *at lower*

prices than the same publications can be purchased by the public where they are printed, either in the United States or Great Britain.

"10th. *As to the rule by which the prices of these publications are determined, inquiries were made of several parties in Toronto, as to the average expenses per cent. for books or stationery imported from England and the United States; and a corresponding charge was added to the original prices of the publications in question.* In case the expenses are not, at any time, equal to the estimate made of them, the balance is added to the *Depository Fund*, the accounts in connection with which are kept distinct from all other accounts of the department. Should the fund amount to about a thousand pounds, it would replace the advances temporarily made from the library appropriation."

The "terms" on which library books were first supplied to the schools were explained by the Chief Superintendent in the following extracts from circulars issued in October, 1853, and January, 1854:—

(1.) *Extract from Circular dated October*, 1853.

PUBLIC SCHOOL LIBRARIES—FIRST APPORTIONMENT OF THE LEGISLATIVE LIBRARY GRANT.

To the Municipalities of Townships, Cities, Towns, Villages, and School Sections.

The time having arrived for making the first apportionment of the Legislative Grant for the establishment of School Libraries in Upper Canada, the Chief Superintendent of Schools proceeds to explain the basis on which he proposes to make the apportionment, and the manner in which he thinks, under the circumstances, it should be made.

2. After much consideration, and in harmony with the principle on which the School Fund in each Municipality is distributed, *local exertion* (and not property or population) appears to be the most equitable basis of apportioning the Library Grant, and that which is likely to give the most general satisfaction and to exert the most beneficial influence. The principle of aiding each School Municipality (whether it be a Township, City, Town, Village, or School Section) in proportion as it exerts and helps itself, is, upon the whole, unobjectionable, and is best calculated to excite and bring into action that kind of interest and public spirit which are the life of any general system of social advancement. This, therefore, is the principle on which the Library Grant will be distributed.

3. As to the *amount* to be apportioned to each Municipality—whether a School Section or Township—it has been decided to add,

in the first apportionment, *seventy-five* per cent. to all sums raised by local exertion—thus apportioning £9 for every £12, and £75 for every £100 raised in a Municipality, and so on, in the same ratio for larger or smaller sums raised by local effort.

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(2) *Extract from Circular, dated January*, 1854.

"As I have been able to obtain many of the books on more favourable terms than formerly, you will find a considerable number of your books *charged less than at the prices marked in the printed catalogue—one object that* I have in view being to *provide* the books at the *least possible expense* to the municipalities."

In February, 1855, the following official circular and notice relating to School Libraries were issued:—

(OFFICIAL CIRCULAR.)

To Municipal Councils and School Corporations in Upper Canada, who have established Public Libraries.

The undersigned, has great pleasure in stating to all those Municipal Councils and School Corporations in Upper Canada, who have established Public Libraries, [upwards of 200 in number,] that he will add *twenty-five per cent.* on the sums heretofore apportioned to them severally for Public Libraries. The apportionment will thus be increased to one hundred per cent. upon all sums of money raised from local sources for the same purpose.

Each Municipal Council and School Corporation concerned can select Books from the Official Catalogue to the amount of twenty-five per cent. upon the sum or sums already contributed by them, and forward their orders to this department; and the books will be packed up and forwarded as fast as the work can be performed. In case any particular book or books requested may not be on hand, or cannot be procured, corresponding books will, as far as possible, be selected from the catalogue and forwarded; and, when desired, the selections of any part, or of the whole of the books to the amount apportioned, will be made by this department.

In each case, please state the person to whom, and conveyance by which, it is desired that the books shall be sent.

E. RYERSON.

EDUCATION OFFICE,
Toronto, February 1st, 1855.

PUBLIC LIBRARY NOTICE.

To Municipal Councils and School Corporations in Upper Canada.

Until further notice, the undersigned will apportion *one hundred per cent.* upon all sums which shall be raised from local sources by

Municipal Councils and School Corporations for the establishment or increase of Public Libraries in Upper Canada under the regulations provided according to law.

E. Ryerson.

Education Office,
Toronto, February 1st, 1855.

The "terms" on which Public School Libraries were supplied by the Education Department in 1855 are more fully stated in the following account of the "Duties of the Department," published in the Journal of Education for March of that year, as follows :—

DUTIES OF THE DEPARTMENT OF PUBLIC INSTRUCTION FOR UPPER CANADA.

As much is said, and much inquiry is abroad in regard to the duties of Public Departments, it may not be improper to give some account of the duties of this department. * * *

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The several branches into which the department has been divided, are as follow :—

1. *Council of Public Instruction :—*
2. *Map and School Apparatus Depository.*
3. *Public Library Depository :*—This branch includes the procuring and providing books for the Public Libraries, catalogues, regulations and correspondence relating to them. Nearly 4,000 *different works* are contained in the catalogue, the selection and examination of which, for the sanction of the Council of Public Instruction, and arrangements for procuring which, from more than fifty publishers in Great Britain and the United States, have involved an amount of time and labour during more than two years that can hardly be conceived. Not far from 150,000 volumes have been procured, and upwards of 90,000 volumes have been supplied to municipalities and school sections, during little more than twelve months. To obtain and keep up the necessary supply of books, orders for them must be made up and sent off from month to month, the payments made, and the books, when received, must be examined by the invoices, and deposited in their respective places ; then when an application is received from a municipal or school corporation, with a list of the books desired, or request that books to a certain amount be selected for them, the books desired or selected are marked on the margin of the printed general Catalogue, one copy of which is used and retained in the department for each library. On the outside of this catalogue are entered the name of the municipal corporation, the number of the library, the amount of the local appropriation and governmental apportionment, the value of the selection made by the local authorities, together with such other entries as may be required, such as the address of the party to whom the library is to be sent, dates and numbers of letters, relating to the library, &c. After

having been examined by the Chief or Deputy Superintendent, and such additions made to the selection of books, as will cover the amount of the library desired, the catalogue is sent to the Library Depository, where the books are selected and checked, and carried to the packing room, where they are again called over, checked and packed in boxes, together with the necessary quantity of labels and wrapping paper for covers for the books sent. From this checked catalogue, the invoice is made out and sent to the corporation for whom the library is intended, together with the shipper's or carrier's receipt for the boxes delivered.

The pecuniary advantage of this system of libraries to the country may be conceived, when it is considered not only how great a variety of useful books are introduced and made accessible to all parts of Upper Canada, which were never before brought into the country, but that *these books have been purchased on most favourable terms, and are supplied at cost*, and that the entire expense of management, including difference of exchange, transportation, insurance and all contingencies, has not exceeded thirteen per cent. on the sums paid for the books in England and the United States.

Two months after this statement of the "terms" on which Public Libraries were suppplied to the schools, the following Act was passed, in which the Legislature recognized these terms and directed that they should be applied to the supply of maps and apparatus as follows :

AN ACT TO MAKE FURTHER PROVISIONS FOR THE GRAMMAR AND COMMON SCHOOLS OF UPPER CANADA 18TH VICTORIA CHAPTER 132.

[*Received Royal Assent, 30th May,* 1855.]

Whereas it is expedient to make further provision for the promotion of education and the diffusion of useful knowledge in connection with the Grammar and Common Schools of Upper Canada : Be it therefore enacted by the Queen's MostExcellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows :

1. The additional *grants* which have been made or may be made during the present session of the Legislature, for Grammar and Common School purposes, in Upper Canada, shall be annually disposed off, in the following manner :

3. A sum not exceeding two thousand and five hundred pounds per annum, may be expended in providing the Grammar and Common Schools in Upper Canada, with maps and apparatus, *upon the same terms, and in the same manner* as books are or may be provided for Public School Libraries ;

4. A sum not exceeding three thousand five hundred pounds per annum, may be expended as heretofore provided by law, in further aiding in the establishment and extension of Public Libraries in connexion with the Grammar and Common Schools in Upper Canada ;

5. A sum not exceeding three hundred and fifty pounds per annum, shall be allowed for the payment of two assistant clerks and a salesman of the Public Library, map and school apparatus depositories, in connexion with the department of Public Instruction in Upper Canada ;

7. The whole of the remainder of the said *grants* shall be expended as further aid to common schools in Upper Canada, according to the provisions of the Common School Acts of Upper Canada, and of this Act.

After the passing of this Act, the Chief Superintendent issued the following notices in the *Journal of Education*, for June, 1855 :—

PUBLIC LIBRARY NOTICE.

To Municipal and School Corporations in Upper Canada.

Until further notice, the undersigned will apportion *one hundred per cent.* upon all sums which shall be raised from local sources by Municipal Councils and School Corporations, for the establishment or increase of Public Libraries in Upper Canada, under the regulations provided according to law.

In selecting from the General and Supplementary Catalogues, parties will be particular to give merely the catalogue number of the book required, and the department from which it is selected. To give the names of books without their number and department, (as is frequently done,) causes great delay in the selection and despatch of a library. The list should be on a distinct sheet of paper from the letter.

E. Ryerson.

Education Office,
Toronto, 1st February, 1855.

MAPS AND APPARATUS.—NOTICE.

The Legislature having acceded to my recommendation to grant annually, from the commencement of the current year, a sufficient sum of money to enable this Department to supply Maps and Apparatus (not text-books) to Grammar and Common Schools, *upon the same terms as Library Books are now supplied to Trustees and Municipalities*, the undersigned will be happy to add one hundred per cent. to any sum or sums, not less than five dollars, forwarded to the Department, *and to forward Maps, Apparatus, Charts and Diagrams to the value of the amount thus augmented,* upon receiving a list of the articles required by the Trustees.

E. RYERSON.

Education Office,
Toronto, 18th June, 1855.

During 1856, 1857, 1858 and 1859, these "terms" and "manner" of supply remained unchanged ; and, in 1859, the various Common School Acts were consolidated into 22nd Vic., ch. 64. The Sections of the Act of 1855, just quoted, will be found in Section 120, as follows :—

120. Out of the share of the Legislative School Grant coming to Upper Canada, and the addititional sums of money from time to time *granted* in aid of Common Schools, or in aid of Common and Grammar Schools in Upper Canada, and not otherwise expressly appropriated by law, the Governor in Council may authorize the expenditure of the following sums annually.

1. *Under the Regulations of the Council of Public Instruction.*

* * * * * *

2. *Through the Chief Superintendent of Education.*

C. For the establishment and support of Public School Libraries, in connection with the Common and Grammar Schools, a sum not exceeding $26,000.

D. In providing the Grammar and Common Schools with maps and apparatus *upon the same terms, and in the same manner as books are provided for Public School Libraries*, a sum not exceeding $10,000.

E. For the payment of two assistant clerks, and a salesman of the public library, map and school apparatus, depositories in connection with the Department of Public Instruction, a sum not exceeding $1,400.

These "terms" and the manner of supply continued unchanged during the years 1859 to 1874, inclusive. In 1874, the provisions of this 120th section of the Act, 22 Vic., ch. 64, were again consolidated, and will be found in section 33 of the Act, 37 Vic., ch. 27, as follows :

10. Certain Grants Authorized.

33. Out of any grants made from time to time in aid of Public and High Schools, the Lieutenant-Governor may authorize the expenditure annually of such sums as may from time to time be voted by the Legislative Assembly for the purposes following :—

1. *Under the authority of the Council of Public Instruction.*

* * * * * *

2. *Through the Chief Superintendent of Education.*

8. For the establishment and support of libraries in connection with the Schools ;

9. For providing the Schools with maps and apparatus, and prizes

upon the same terms, and in the same manner as books are provided for School Libraries ;

10. For the payment of a salesman and assistant clerks of the public library, prize, map and school apparatus depositories, in connection with the Department of Public Instruction.

It will be thus seen that the phrase "*on the same terms,*" which occurs in the Act of 1874, refers to the "terms" (as to the "prices" or "cost" of the library books supplied to the Schools) which were explained and defined by the Chief Superintendent in 1855, the date at which the original Act containing these words was passed.

These "terms" the Chief Superintendent shows were the furnishing of Public School library books, from the Depository "*at cost*"—that is, the price which he paid for these books, including exchange, transportation, insurance and all "contingencies, not exceeding thirteen per cent."

Another question here arises as to whether in fixing the "*prices*" or "cost" of the books supplied to the schools by (1) the Council of Public Instruction, (2) the booksellers, or (3) the Chief Superintendent of Education, the charge for salaries of clerks and salesman in the Educational Depository, at all events to the extent of $1,400 per annum, as fixed by the Act, should be reckoned in the "cost" or "prices" of books furnished to the schools. The Act, as will be seen, provides for the Depository salaries out of a "*Grant*" or "Gift" by the Legislature, as much so as the "Grant" or "*Gift*" for superannuated teachers, *Journal of Education*, or other object, as mentioned in the 120th section of the Consolidated Act of 1859, or in the 23rd section of the Act of 1874.

A further question has been raised, and that is, whether in fixing the "prices" or cost of prize and library books, an estimated sum for *rent*, for *taxes*, and for *interest* on the Legislative Grant (none of which have ever formed part of the expenditure of the Depository) should be included in those "prices" and cost of the books—in other words, whether the Education Department should provide for an absolute profit out of the books supplied to the schools, over and above expenses, which would, of course, be payable into the Provincial Treasury, and form part of the casual revenue.

Having now stated the case, and given copious extracts from the various Statutes, official explanations, and regulations bearing upon the subject, it is proper to recapitulate the several questions which are raised in this document and submitted for decision, as authorized by law, viz. :—

Question 1*st.* Whether the "prices" or "cost" to the schools of the prize and library books sanctioned by the Council of Public Instruction should be fixed—

(1.) By the Council of Public Instruction.
(2.) By the Chief Superintendent of Education,
(3.) Or by the Booksellers, or other parties sending in books for the approval of the Council.

Question 2*nd.*—On what principle should the "prices" or "cost" of these books to the Schools be fixed, viz. :—

(1.) Whether the "price" or "cost" of a book should include (*a*) its net prime cost from the original publisher, with the additional charge (*b*) for exchange, (*c*) freight and shipping dues, (*d*) duty, (*e*) insurance, (*f*) salaries of clerks, and (*g*) contingent expenses of management, which are all actual expenditures, and (*h*) the usual estimated percentage for depreciation of stock on hand.

(2.) Or, whether, in addition to these actual expenditures incurred in procuring books and managing the Educational Depository, and for percentage for stock depreciation, the "prices" or "cost" of books to the Schools should also include (*i*) an estimated sum for rent, (*j*) for taxes, (*k*) for interest on Legislative Grant employed, and (*l*) salaries of clerks, (at least beyond the $1,400 per annum, payable by Statute out of "grants" made by the Legislature).

Question 3*rd.*—Whether the phrase "*on the same terms*," which originally occurred in the Act of 1855, and is continued in the Consolidated Acts of 1859 and 1874, would not determine the cost of the books to the Schools, on the principle of the rates of charge for them as they existed in 1855, viz :—the prime cost of the books from the original publisher, with the added charge for exchange, freight, shipping charges, duty, insurance, salaries, and the estimated percentage for stock depreciations.

Question 4*th.*—Whether an added profit out of books supplied to the Schools from the Educational Depository over and above the amount of actual expenditure for them, contingent expenses of management and percentage for depreciation of stock, was contemplated or authorized, or is contemplated and authorized by the Legislature under its successive Acts bearing upon the subject.

J. George Hodgins,
Deputy Superintendent.

LETTER FROM THE CHIEF JUSTICE OF ONTARIO TO THE CHIEF SUPERINTENDENT OF EDUCATION.

TORONTO, 27th August, 1874.

SIR,—Your letter of the 24th ult., asking my opinion under the statute as to "what should be regarded as cost prices of books provided by the Educational Department for Libraries and Prizes for the Public and High Schools, and who should determine those prices," was received at my house when I was absent, during the "long vacation," and I only put my hand on it yesterday.

I presume there are parties interested in the discussion of the questions submitted in your letter, who may wish to be heard in the matter. I think the better course will be to have the case appended to your letter set down for argument in the Court, and the usual notice given to the parties interested, that they may be heard and their views presented to the Court before any decision is come to.

Of course, if the parties desire it, the argument can take place before myself instead of the full court.

I have, &c,

(Signed) WM. B. RICHARDS.
Chief Justice.

To the REV. DR. RYERSON, &c., &c., &c.,
TORONTO.

CIRCULAR TO BOOKSELLERS IN REGARD TO THE FOREGOING CASE SUBMITTED TO THE CHIEF JUSTICE.

(Copy.)

EDUCATION OFFICE,
Toronto, 7th September, 1874,

GENTLEMEN,—I have thought proper to submit a special case to one of the Judges of the Superior Courts, as authorized by the 32nd Section, Sub-section 3rd of the New School Act, 37 Vic., Chapter 27, in order to obtain an authoritative decision as to whether the Council of Public Instruction, or Chief Superintendent, or the Booksellers, are to determine the prices and the principle of determining the prices of Books to be sanctioned by the Council under the new clauses on the subject introduced into the School Acts.

I have caused a statement of the case to be prepared so far as the Education Department is concerned, and have forwarded it to the Honourable the Chief Justice of Ontario, who has intimated to

me a desire that parties interested adversely to the views which I hold on this subject should have an opportunity of being heard before him.

Under these circumstances I have to request that should you desire to take any steps in the matter, you will be good enough to name your legal adviser, and prepare and transmit to the Chief Justice your counter case, and also a copy of it to me, so that a time may be fixed by the Chief Justice for the argument of the whole case. On your application, I will furnish you with a copy of the case, as I have submitted it, as soon as printed.

I have the honour to be,
Gentlemen,
Your obedient servant,
(Signed,) E. Ryerson.